

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re

DENISE YULFO,

No. 10-11764

Debtor(s).

/

DENISE YULFO,

Plaintiff(s),

v.

A.P. No. 10-1072

DEUTSCHE BANK NATIONAL TRUST
COMPANY,

Defendant(s).

/

Memorandum on Motion for Injunctive Relief

The complaint of Chapter 13 debtor Denise Yulfo alleges that her home at 1550 Grenache Wy, Santa Rosa, California, was foreclosed upon by defendant Deutsche Bank before bankruptcy. She seeks to undo the sale as a fraudulent transfer pursuant to § 548 of the Bankruptcy Code. She also alleges that the Bank violated the Real Estate Settlement Procedures Act ("RESPA"), the Truth In Lending Act ("TILA"), and the Fair Housing Act ("FHA").

Only the § 548 claim has anything to do with bankruptcy law. As to that claim, the law is clear

1 that “a fair and proper price, or a ‘reasonably equivalent value,’ for foreclosed property, is the price in
2 fact received at the foreclosure sale, so long as all the requirements of the State’s foreclosure law have
3 been complied with.” *BFP v. Resolution Trust Corp.*, 511 U.S. 531, 544, 114 S.Ct. 1757, 1765
4 (1994).

5 The only claim raised under bankruptcy law being patently without merit, the court will deny
6 the request for injunctive relief, dismiss the claim based on § 548 of the Bankruptcy Code with
7 prejudice, and dismiss the remaining claims without prejudice so that they can be brought in a more
8 appropriate forum. An appropriate order will be entered.

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10 Dated: July 9, 2010

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Alan Jaroslovsky
U.S. Bankruptcy Judge